

ORDINANCE NO. 10-03

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A WAIVER OF PLAT PURSUANT TO HIALEAH CODE §98-831; GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 49.2%, WHERE A MAXIMUM OF 40% IS ALLOWED; AND ALLOW A REAR SETBACK OF 15.5 FEET, WHERE 20 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-591, AND § 98-2056(b)(2). **PROPERTY LOCATED AT 5670 WEST 20 COURT, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of December 9, 2009 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a waiver of plat pursuant to Hialeah Code §98-831, allow a lot coverage of 49.2%, where a maximum of 40% is allowed, and allow a rear setback of 15.5 feet, where 20 feet are required, contra to Hialeah Code §§ 98-591, and 98-2056(b)(2), which provide in pertinent part: “In the R-3 multiple-family district, there shall be a 20-foot rear yard setback.”, and “A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.” respectively. Property located at

5670 West 20 Court, Hialeah, Miami-Dade County, Florida, zoned R-3-5 (Multiple Family District), and legally described as follows:

LOT 12, IN BLOCK 4, OF MICHELLE JARDINS,
ACCORDING TO THE PLAT THEREOF, AS
RECORDED IN PLAT BOOK 127, PAGE 44, OF THE
PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

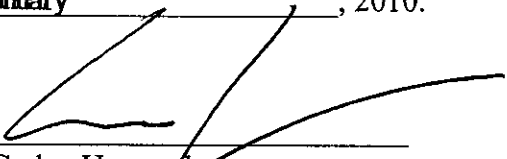
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12th day of January, 2010.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Carlos Hernandez
Council President

Attest:

Approved on this ____ day of _____, 2010.

Rafael E. Granado, City Clerk

MAYOR'S SIGNATURE WITHHELD

Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodniek, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".

Ordinance was passed and adopted by the Hialeah City Council on January 12, 2010 and became effective January 26, 2010 without Mayor's signature.